

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ALOYSIUS MONTGOMERY,

Defendant.

8:15CR218

ORDER

This matter is before the court on the joint motion to continue trial by defendant Aloysius Montgomery (Montgomery) (Filing No. 24). Montgomery seeks a continuance of the trial scheduled for September 28, 2015. Montgomery has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 25). Montgomery's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Montgomery's motion to continue trial (Filing No. 24) is granted.
2. Trial of this matter is re-scheduled for **November 30, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 23, 2015, and November 30, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 23rd day of September, 2015.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge